

Educational organization; survival school. An organization exempt from tax under section 501(c)(3) of the Code that has full-time instructors who regularly conduct a 26-day survival course, mostly out-of-doors, to teach young people how to survive in a natural environment, is an educational organization within the meaning of section 170(b)(1)(A)(ii) and, therefore, is not a private foundation by reason of section 509(a)(1).

Advice has been requested whether the organization described below is an educational organization of the type described in section 170(b)(1)(A)(ii) of the Internal Revenue Code of 1954 and, therefore, is not a private foundation by reason of section 509(a)(1).

The organization's only activity is conducting a course designed to teach young people how to survive in a natural environment. The purpose of the course is to develop an individual's knowledge and skills so that he may cope with the hazards of nature in situations where the usual sources of help or support are not available. It also teaches him to be resourceful and self-reliant.

The course is conducted on an island and most of the classes are conducted out-of-doors rather than in classrooms. A regularly enrolled student body attends the course. The organization conducts 12 courses a year and each class term lasts for a period of 26 days. The organization has a faculty of full-time instructors who present a course of instruction in survival skills through lectures, demonstrations, and various practical exercises. Instruction is given in such subjects as water survival, seamanship, first aid, fire fighting, climbing, and rescue operations. The organization's income is from contributions and tuition payments and its expenditures are for the operation of the school.

There are no restrictions against admissions based on race and the organization has a racially nondiscriminatory policy as to students within the meaning of Rev. Rul. 71-447, 1971-2 C.B. 230.

The organization has been previously recognized to be exempt from Federal income tax under section 501(c)(3) of the Code.

Section 509(a) of the Code provides that the term 'private foundation' means a domestic or foreign organization described in section 501(c)(3) other than an organization described in section 509(a)(1), (2), (3), or (4). The organizations coming within section 509(a)(1) are those described in clauses (i) through (vi) of section 170(b)(1)(A).

Section 170(b)(1)(A)(ii) of the Code covers any educational organization which normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or

students in attendance at the place where its educational activities are regularly carried on.

Although the organization in the instant case conducts its courses for periods of only 26 days and uses out-door facilities more than classrooms, the organization is an educational organization within the meaning of section 170(b)(1)(A)(ii) of the Code since (1) its primary function is the presentation of formal instruction, (2) its courses are interrelated and are given in a regular and continuous manner, thereby constituting a regular curriculum, (3) it normally maintains a regular faculty, and (4) it has a regularly enrolled body of students in attendance at a place where its educational activities are carried on. See Rev. Rul. 72-101, 1972-1 C.B. 144 and Rev. Rul. 69-492, 1969-2 C.B. 36.

Since this organization meets the requirements of section 170(b)(1)(A)(ii) of the Code, it is not a private foundation by reason of section 509(a)(1).